UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,037	04/01/2004	Joan Tibor	M160 1010.3	9276

7590   01/24/2005

Womble Carlyle Sandridge & Rice, PLLC
P.O. Box 7037
Atlanta, GA 30357-0037

EXAMINER
AZARIAN, SEYED H

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/816,037	TIBOR, JOAN
	Examiner	Art Unit	
	Seyed Azarian	2625	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>01 April 2004</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-33</u> is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-33</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on <u>01 April 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date <u>6/7/04 and 8/19/04</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1.   The abstract of the disclosure is objected to because the abstract should be in

narrative form and generally limited to a single paragraph on a separate sheet within the

range of "50 to 150 words". It is important that the abstract not exceed 150 words in

length since the space provided for the abstract on the computer tape used by the

printer is limited. The form and legal phraseology often used in patent claims, such as

"means" and "said," should be avoided. The abstract should describe the disclosure

sufficiently to assist readers in deciding whether there is a need for consulting the full

patent text for details.

    The language should be clear and concise and should not repeat information
given in the title. It should avoid using phrases which can be implied, such as, "The
disclosure concerns," "The disclosure defined by this invention," "The disclosure
describes," etc.
    Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

Claims 1-11, 14-21, 24-28 and 30-33, are rejected under 35 U.S.C. 102(e) as being

anticipated by Ballard (U.S. patent 6,032,137).

Regarding claim 1, Ballard discloses an electronic transaction verification system

for use at a location where a transaction token is presented by an individual comprising

(column 9, lines 24-28, the processor executes the processing of an inbound credit card

transaction by performing basic transaction validation that includes checking with issuer

database to ensure that the credit card has sufficient credit to allow approval of the

transaction);

a transaction information database for storing account information for an

authorized user (column 5, lines 12-15, The DPCs (DataTreasury System Processing

Concentrator) store's customer data at a central location, generates reports from the

data and transmits the reports to the customers, also Fig. 1, column 7, lines 38-47, refer

to storage 206);

a reading device for reading and transmitting transaction information data to the

information database (column 6, lines 38-40, DAT scanner could capture a hand written

signature, electronic signature and credit card);

a biometric data device for scanning and transmitting biometric data with the

transaction information to the information database (column 6, lines 38-40, also 53-59,

DAT card interface retrieves the identification information from the card for subsequent

transmission to the destination, also DATs could also include additional devices for

capturing biometric data);

wherein the biometric data device selectively transmits biometric data to the biometric database for comparison with the biometric data stored for the authorized user to verify the identity of the individual presenting the transaction token (column 15, lines 9-23, the workstation also performs identification verification by comparing signature data, also comparing biometric data including facial scans, fingerprints, retina scans, iris scans and hand geometry);

wherein the reading device selectively transmits transaction information data to the information database for comparison with account information stored for the authorized user to verify a condition of the account (column 9, lines 24-28, the processor executes the processing of an inbound credit card transaction by performing basic transaction validation that includes checking with issuer database to ensure that the credit card has sufficient credit to allow approval of the transaction, also column 11, lines 60, through column 12, line 5, refer to storage system).

Regarding claim 2, Ballard discloses the system of claim 1 further comprising: a signature scanning device for scanning signature data received with the transaction information (column 5, lines 62-63, the DAT scanner capturing of handwritten signature for identity verification);

a signature database for storing signature data for the authorized user; and wherein the signature scanning device selectively transmits signature data to the signature database for comparison with the signature stored for the authorized user (column 15, lines 9-12, the workstation performs verification by comparing signature data captured by the DAT with the signature data stored the DPC).

Regarding claim 3, Ballard discloses the system of claim 1 wherein the

transaction token comprises at least one of a check, a substitute check, a credit card, a

debit card, a smart card, a promissory note, travelers check, and a food stamp (column

6, lines 37-47, the transaction scanner could capture a variety of debit cards or

electronic signature).

Regarding claim 4, Ballard discloses the system of claim 1 wherein the biometric

data is any one of a fingerprint scan, retinal scan, an iris scan, a voice print, a hand

geometry scan, or a facial scan (column 6, lines 53-57, transaction scanner for

capturing other biometric data such as facial scans, fingerprints, voice prints, iris scans).

Regarding claim 5, Ballard discloses the system of claim 3 wherein the

transaction information data includes data written in magnetic ink on the check (column

22,lines 8-9, and column 22, lines 24-33, the Data Treasury system captures the check,

the system creates an electronic transmission of the check including the checking

account number and routing information on the check. Checks routing and account

numbers are inherently "written in magnetic ink" or (better known as MICR)).

Regarding claim 6, Ballard discloses the system of claim 3 wherein the

transaction information data includes data encoded on the transaction token (column 5,

line 64 through column 6, line 2, the DAT scanner also scans Xerox DataGlyph

elements, Xerox Data Glyph elements represents information with machine readable

data which is encoded into many glyph elements).

Regarding claim 7, Ballard discloses the system of claim 1 wherein the electronic

transaction verification system selectively returns a report on customer usages (column

6, line 58 through column 7, line 2, the DAT card interface not only initiates sale and

banking transactions it can read transactions initiated elsewhere and reproduce the data

for the customer, the DAT card interface also provides support for independent

verification of the records maintained by consumers, merchants and bankers).

Regarding claim 8, Ballard discloses the system of claim 1 wherein the biometric

data device further selectively encodes recorded biometric data on the transaction token

(column 6, lines 53-58 and column 7, lines 41-44, DATs 200 could also included

additional devices for capturing other biometric data then is sent to the DAT controller

210 which compresses, encrypts and tags the bitmap image that was scanned).

Regarding claim 9, Ballard discloses the system of claim 8 wherein the recorded

biometric data is any one of a fingerprint scan, a retinal scan, an iris scan, a voice print,

a hand geometry or a facial scan (column 15, lines 9-23, biometric data is facial scans,

fingerprints, retina scans, iris scans and hand geometry).

Regarding claim 10, Ballard discloses the system of claim 1 wherein the reading

device and the biometric data device are located remotely from the biometric database

and the transaction information database (column 22, lines 8-16, The Data Treasury

system captures the check and the biometric data at the payees remote location and

performs verification of the check by comparing the remotely captured data with data

stored at the central location).

Regarding claim 15, Ballard discloses the system of claim 14 further including:

signature scanning means for scanning signature data received with the transaction

information (column 5, lines 62-63, the DAT scanner capturing of handwritten signature for identity verification);

a signature database for storing signature data for the authorized user; and wherein the signature scanning means selectively transmits signature data to the signature database for comparison with the signature stored for the authorized user (column 15, lines 9-12, the workstation performs verification by comparing signature data captured by the DAT with the signature data stored the DPC).

Regarding claim 16, Ballard discloses the system of claim 14 wherein the transaction token comprises at least one of a check, a substitute check, a credit card, a debit card, a smart card, a promissory note, a travelers check and a food stamp (column 15, lines 9-23, biometric data is facial scans, fingerprints, retina scans, iris scans and hand geometry).

Regarding claim 26, Ballard discloses the method of claim 24 further including the step of encoding the biometric data on the transaction token (column 5, lines 64-67 and column 6, lines 1-2, the DAT scanner also scans Xerox Data Glyph elements, Xerox Data Glyph elements represents information with machine readable data which is encoded into many glyph elements).

Regarding claim 27, Ballard discloses the method of claim 24 further including the step of transmitting data indicative of whether the person is authorized to use the account to the location where the transaction information and biometric data are obtained (column 22, lines 38-40, the Data Treasury system notifies the payee bank and the remote locations as to the status of the transfer).

Regarding claim 31, Ballard discloses the electronic transaction verification

system for use with a transaction token processing system of claim 28 wherein the

biometric data device digitizes a representation of the biometric data received with the

transaction information and encodes the digitized biometric data directly on the

transaction token (column 5, lines 52-63, refer to digital bitmap image representation).

Regarding claim 11, arguments analogous to those presented for claim 10 are

applicable.

Regarding claims 14, 24 and 28, arguments analogous to those presented for

claim 1 are applicable.

Regarding claims 17-18 and 30, arguments analogous to those presented for

claims 5 and 6 are applicable.

Regarding claims 19-21, arguments analogous to those presented for claims 7-

9 are applicable.

Regarding claims 25 and 33, arguments analogous to those presented for claim

2 are applicable.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 12-13, 22-23, 29 and 32, are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ballard (U.S. patent 6,032,137) in view of Hoffman et al (U.S. patent

5,613,012).

However regarding claims 12 and 13, Ballard does not explicitly state "additional

biometric database for storing data and determining of invalid user". On the other hand

Hoffman in the same filed of electronic transactions teaches; individual personal

identification numbers, financial asset accounts and biometric data are added to the

system during the individual enrollment process. Individuals may be removed from

database due to fraudulent activity and their information moved to the Prior Fraud

Database (column 69, line 54 through column 70, line 4).

Therefore it would have been obvious to one having ordinary skill in the art at the

time the invention was made to modify Ballard invention according to the teaching of

Hoffman because it provides problems inherent in the token and code security system

that is highly fraud resistant, but nevertheless easy and convenient for the consumer to

use, which can easily implemented in any electronic transaction verification system to

obtained with a high degree of security).

Regarding claims 22-23, 29 and 32, arguments analogous to those presented

for claims 12 and 13 are applicable.

Other prior art cited

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(U.S. patent 4,109,238) to Creekmore is cited for apparatus for verifying checks presented for acceptance.

(U.S. patent 4,187,498) to Creekmore is cited for check verification system.

(U.S. patent 4,672,377) to Murphy et al is cited for check authorization system.

(U.S. patent 6,105,011) to Morrison, Jr. is cited for security system and method for business transactions with customers.

(U.S. patent 5,594,226) to Steger is cited for automated check verification and tracking system using bar code information.

(U.S. patent 5,832,464) to Houvener et al is cited for system and method for efficiently processing payments VIA check and electronic funds tranfer.

Contact Information

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Azarian whose telephone number is (703) 306-5907. The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 7:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached at (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the
Patent Application information Retrieval (PAIR) system. Status information for published
application may be obtained from either Private PAIR or Public PAIR.
Status information about the PAIR system, see http:// pair-direct.uspto.gov. Should you
have questions on access to the Private PAIR system, contact the Electronic Business
Center (EBC) at 866-217-9197 (toll-free).

Seyed Azarian
Patent Examiner
Group Art Unit 2625
January 22, 2005